

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SHERRY PEESO,

Plaintiff,

Index No. 11-CV-6306L

-against-

CITY OF HORNELL, NEW YORK;
CITY OF HORNELL BOARD OF PUBLIC SAFETY;
SHAWN D. HOGAN in his individual capacity,
and in his capacity as the Mayor of the City of Hornell,
and President of the Board of Public Safety of the City
of Hornell,

**ORDER GRANTING
PRELIMINARY
INJUNCTION**

Defendants.


Pursuant to Rule 65 of the Federal Rules of Civil Procedure, plaintiff Sherry Peeso having established that she faces irreparable harm and homelessness if she and her family are evicted pursuant to the order of the defendant City of Hornell Board of Public Safety and having established by her complaint filed on June 17, 2011 and memorandum of law, filed on June 20, 2011, that she is likely to succeed on the merits of this action, and defendants having failed both to respond to plaintiff's application for preliminary injunctive relief, and to appear at oral argument on plaintiff's application for preliminary injunctive relief, it is hereby:

ORDERED that Plaintiff's motion for a preliminary injunction is granted, and Defendants City of Hornell and Board of Public Safety, their agents, employees, successors, and all other persons in active concert or participation, including the Hornell Police Department and the City of Hornell Code Enforcement Office, are hereby continued to be restrained from enforcing the order of the Defendant City of Hornell Board of Public Safety that required

Plaintiff Sherry Peeso, pursuant to Hornell City Code §201, to vacate her home by 5:00 p.m. on June 21, 2011 or any subsequent orders, issued by defendants to plaintiff to vacate her home pursuant to such ordinance.

This Order shall remain in effect until further order by the Court or until such other time as the parties may agree.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
July 18, 2011.